

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>MARJORIE A. CREAMER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 14-4107-JAR-TJJ</b>
	)	
	)	
<b>KATY FISCHER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Fourteen days having passed,<sup>1</sup> and no written objections being filed to the proposed findings and recommendations filed by United States Magistrate Judge Teresa J. James, and after a *de novo* determination upon the record pursuant to Fed. R. Civ. P. 72(b), the Court accepts as its own the recommended decision to grant Plaintiff’s Motion to Proceed *in forma pauperis* as to the claimed violation of Kansas’ “one-bite” rule against Defendant Fischer and to deny the motion as to all other claims against all other defendants (Doc. 5).

**IT IS THEREFORE ORDERED** that Plaintiff’s Motion to Proceed *in forma pauperis* (Doc. 3) is granted in part and denied in part in accordance with the December 19, 2014 Report and Recommendation (Doc. 5). Plaintiff shall be **granted** leave to proceed *in forma pauperis* as to the claimed violation of Kansas’ “one-bite” rule against Defendant Fischer; Plaintiff’s motion is **denied** as to all other claims against all other defendants.

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<sup>1</sup>Plaintiff requested and was granted additional time until January 21, 2015, to respond to the Report and Recommendation. (Doc. 7). On January 26, 2015, Plaintiff moved for a second extension of time to respond (Doc. 10). This motion was five days after January 21, and thus is out of time. In this untimely filed motion, Plaintiff claims that she did not receive this Court’s Order granting an extension to January 21, until January 21. This Court attempted to serve Plaintiff before January 21, but Plaintiff refused receipt of the certified mail. Thus, the court, in a separate text entry, has denied Plaintiff’s motion (Doc. 10) for a second extension of time.

**IT IS SO ORDERED.**

Dated: January 27, 2015

S/ Julie A. Robinson  
JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE